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OFFICE OF PETITIONS

In re Application of :
Jonathan W. NYCE et al. :
Application No. 09/543,679 : DECISION GRANTING PETITION
Filed: April 4, 2000 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 30775-705.201 :
:

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed October 29, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 30, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. Although the Power of Attorney filed September 3, 2004 appoints Associate Power of Attorney to the person signing the instant petition, Associate Power of Attorney practice under 37 CFR 1.34(b) has been eliminated effective June 25, 2004. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

The 37 CFR 1.137(b) petition fee of \$750 has been charged to deposit account No. 50-0220

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to Betsy L. Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.



Brian Hearn
Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy

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